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# **Health & Families Council**

**Monday, April 10, 2006  
1:00 PM – 3:00 PM  
Reed Hall**

**Action Packet**

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Anna Benson (Chair)	X		
Aaron Bean			X
Mary Brandenburg	X		
Bill Galvano	X		
Rene Garcia	X		
Hugh Gibson	X		
Gayle Harrell	X		
Ed Homan	X		
Julio Robaina			X
Eleanor Sobel	X		
Shelley Vana	X		
<b>Totals:</b>	<b>9</b>	<b>0</b>	<b>2</b>

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 21 CS : Social Status of African-American Men and Boys

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana			X		
Anna Benson (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

Strike all Amendment to HB 21 CS by Rep. Peterman

- The amendment changes the name of the Council on the Social Status of African-American Men and Boys to the Council on the Social Status of Black Men and Boys.
- Council members are appointed to 4-year terms, except the initial appointments are for staggered terms (9 members appointed to 2 year terms and 10 members appointed to 4 year terms). Eleven members shall constitute a quorum.
- The initial report of the council shall include the findings of an investigation into factors causing black-on-black crime.
- Council meetings are required to be public and all records are subject to the public records requirements of law.
- All council members must file a disclosure of financial interests pursuant to law.
- The effective date is changed from July 1, 2006 to January 1, 2007.
- Bill is conformed to CS/SB 436.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 21 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	✓ (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

Council/Committee hearing bill: Health and Families Council  
Representative(s) Peterman offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Council on the Social Status of Black Men and Boys.--

(1) The Council on the Social Status of Black Men and Boys is established within the Department of Legal Affairs and shall consist of 19 members appointed as follows:

(a) Two members of the Senate who are not members of the same political party, appointed by the President of the Senate with the advice of the Minority Leader of the Senate.

(b) Two members of the House of Representatives who are not members of the same political party, appointed by the Speaker of the House of Representatives with the advice of the Minority Leader of the House of Representatives.

(c) The Secretary of Children and Family Services or his or her designee.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

(d) The director of the Mental Health Program Office within the Department of Children and Family Services or his or her designee.

(e) The Secretary of Health or his or her designee.

(f) The Commissioner of Education or his or her designee.

(g) The Secretary of Corrections or his or her designee.

(h) The Attorney General or his or her designee.

(i) The Secretary of Management Services or his or her designee.

(j) The director of the Agency for Workforce Innovation or his or her designee.

(k) A businessperson of black origin appointed by the Governor.

(l) Two persons appointed by the President of the Senate who are not members of the Legislature or employed by state government. One of the appointees must be a clinical psychologist.

(m) Two persons appointed by the Speaker of the House of Representatives who are not members of the Legislature or employed by state government. One of the appointees must be an Africana studies professional.

(n) The deputy secretary for Medicaid in the Agency for Health Care Administration or his or her designee.

(o) The Secretary of Juvenile Justice or his or her designee.

(2) Each member of the council shall be appointed to a 4 year term; however, for the purpose of providing staggered terms, of the initial appointments, 9 members shall be appointed to 2 year terms and 10 members shall be appointed to 4 year terms. A member of the council may be removed at any time by the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

51 member's appointing authority who shall fill the vacancy on the  
52 council.

53 (3) (a) At the first meeting of the council each year, the  
54 members shall elect a chair and a vice chair.

55 (b) A vacancy in the office of chair or vice chair shall  
56 be filled by vote of the remaining members.

57 (4) (a) The council shall make a systematic study of the  
58 conditions affecting black men and boys, including, but not  
59 limited to, homicide rates, arrest and incarceration rates,  
60 poverty, violence, drug abuse, death rates, disparate annual  
61 income levels, school performance in all grade levels including  
62 postsecondary levels, and health issues.

63 (b) The council shall propose measures to alleviate and  
64 correct the underlying causes of the conditions described in  
65 paragraph (a). These measures may consist of changes to the law  
66 or systematic changes that can be implemented without  
67 legislative action.

68 (c) The council may study other topics suggested by the  
69 Legislature or as directed by the chair of the council.

70 (d) The council shall receive suggestions or comments  
71 pertinent to the applicable issues from members of the  
72 Legislature, governmental agencies, public and private  
73 organizations, and private citizens.

74 (5) The Office of the Attorney General shall provide staff  
75 and administrative support to the council.

76 (6) The council shall meet quarterly and at other times at  
77 the call of the chair or as determined by a majority of council  
78 members and approved by the Attorney General.

79 (7) Eleven of the members of the council shall constitute  
80 a quorum, and an affirmative vote of a majority of the members  
81 present is required for final action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

82       (8) (a) The council shall issue its first annual report by  
83 December 15, 2007, and by December 15 each following year,  
84 stating the findings, conclusions, and recommendations of the  
85 council. The council shall submit the report to the Governor,  
86 the President of the Senate, the Speaker of the House of  
87 Representatives, and the chairpersons of the standing committees  
88 of jurisdiction in each chamber.

89       (b) The initial report must include the findings of an  
90 investigation into factors causing black-on-black crime from the  
91 perspective of public health related to mental health, other  
92 health issues, cultural disconnection, and cultural identity  
93 trauma.

94       (9) Members of the council shall serve without  
95 compensation. Members are entitled to reimbursement for per diem  
96 and travel expenses as provided in s. 112.061, Florida Statutes.  
97 State officers and employees shall be reimbursed from the budget  
98 of the agency through which they serve. Other members may be  
99 reimbursed by the Department of Legal Affairs.

100       (10) The council and any subcommittees it forms shall be  
101 subject to the provisions of chapter 119, Florida Statutes,  
102 related to public records, and the provisions of chapter 286,  
103 Florida Statutes, related to public meetings.

104       (11) Each member of the council who is not otherwise  
105 required to file a financial disclosure statement pursuant to  
106 Section 8, Article II of the State Constitution or s. 112.3144,  
107 Florida Statutes, must file a disclosure of financial interests  
108 pursuant to s. 112.3145, Florida Statutes.

109       (12) Notwithstanding subsection (6), the Attorney General  
110 shall:

111       (a) Within 60 days after the effective date of this act,  
112 fix a date for the initial meeting of the council.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

113        (b) Notify each member of the council of the time, date,  
114        and place where the initial meeting will be held.

115        (c) Make any other arrangements concerning the initial  
116        meeting of the council.

117        (d) Serve as the presiding officer at the initial meeting  
118        of the council until a chair is elected.

119        (11) This section expires July 1, 2012, unless reenacted  
120        by the Legislature.

121        Section 2. This act shall take effect January 1, 2007.

122        ===== T I T L E   A M E N D M E N T =====

123        Remove the entire title and insert:

124                                A bill to be entitled

125        An act relating to the social status of black men and  
126        boys; creating the Council on the Social Status of Black  
127        Men and Boys; providing for the appointment and  
128        qualification of members; providing for the appointment of  
129        members to fill vacant positions; requiring the council to  
130        make a systematic study of conditions affecting black men  
131        and boys; requiring the Office of the Attorney General to  
132        provide administrative support; requiring the council to  
133        submit an annual report to the Governor and Legislature;  
134        providing for reimbursement for per diem and travel  
135        expenses; requiring the Attorney General to organize the  
136        initial meeting of the council; providing for the  
137        expiration of the council; providing an effective date.

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 67 : Automated External Defibrillator Devices

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana			X		
Anna Benson (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

**Amendment to HB 67 by Rep. Sobel**

In directing the Department of Health to mount an educational campaign about the immunity provided for in section 768.1325, F. S., the present language of the bill attempts to "summarize" the terms of the immunity, but it does so in a way that is, at best, incomplete. Rather than try to summarize the terms of the immunity, the amendment eliminates any possible confusion by simply referencing that statute by section.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 67

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	/ (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

1 Council/Committee hearing bill: Health & Families

2 Representative(s) Sobel offered the following:

3  
4 **Amendment**

5 Remove line(s) 83-91 and insert:

6 automated external defibrillator device of the scope and  
7 limitations of the immunity from liability provided under s.  
8 768.1325, Florida Statutes.  
9  
10

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**Amendment #2 to HB 67 by Rep. Sobel**

Amendment #2:

This amendment adds a short title to the bill. The short title is "The Gordon and Miulli Act."

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 67

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	/ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council  
2 Representative(s) Sobel offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Between line(s) 17 & 18, insert:

6 Section 1. Short Title.--This act may be cited as "The  
7 Gordon and Miulli Act."

8  
9  
10 ===== T I T L E A M E N D M E N T =====

11 On line(s) 3, after "devices;", insert: providing a short  
12 title;

13  
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# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 93 CS : Automated External Defibrillators

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana			X		
Anna Benson (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

## Amendments to HB 93 CS by Rep. Henriquez

### Amendment #1:

Most companies avoid any connotation that a person they authorize to perform a particular act is their "agent," since this label is loaded with far-reaching legal implications. Rather, most companies view a person they authorize to perform a specific task as their "authorized representative" for that purpose, but not as their "agent." Thus, a person who might render an AED temporarily inoperative as the "authorized representative" of the owner might not be covered by the exemption from criminal liability contained in this part of the bill. As such, the amendment modifies the exemption from criminal liability to include an owner's "authorized representative or agent."

### Amendment #2:

In directing the Department of Health to mount an educational campaign about the immunity provided for in section 768.1325, F.S., the present language of the bill attempts to "summarize" the terms of the immunity, but it does so in a way that is, at best, incomplete. Rather than try to summarize the terms of the immunity, the amendment eliminates any possible confusion by simply referencing that statute by section.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 93 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	✓ (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

1 Council/Committee hearing bill: Health & Families  
2 Representative(s) Henriquez offered the following:

4 **Amendment**

5 On line(s) 64, after "owner's", insert: authorized  
6 representative or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 93 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Council/Committee hearing bill: Health & Families

Representative(s) Henriquez offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 69-77 and insert:  
automated external defibrillator device of the scope and  
limitations of the immunity from liability provided under s.  
768.1325, Florida Statutes.

===== D I R E C T O R Y   A M E N D M E N T =====

Remove line(s)                      and insert:

===== T I T L E   A M E N D M E N T =====

Remove line(s)                      and insert:

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# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 111 : Defibrillators in State Parks

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana			X		
Anna Benson (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

**Amendment to HB 111 by Rep. Anderson**

The amendment changes the source of the appropriation from the General Revenue Fund to the State Park Trust Fund.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0111

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: Health & Families Council

2 Representative(s) Anderson offered the following:

3  
4 **Amendment**

5 Remove line 31 and insert:

6 State Park Trust Fund to the Division of Recreation and Parks of

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# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 127 CS : Immunizations

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana			X		
Anna Benson (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

**Strike All Amendment to HB 127 CS by Rep. Hays**

The strike-all amendment to HB 127 CS transfers the legislation's provisions from chapter 1003, F.S., to chapter 1002, F.S., and:

- requires the Department of Education to develop guidelines for a parent guide to successful achievement, including parental information regarding school entry requirements and recommended immunization schedules, and other student health resource information;
- requires each school district to develop and disseminate a parent guide to successful student achievement that provides certain health information including a recommended immunizations schedule, and information regarding meningococcal disease; and
- requires the governing authority of each private school to provide certain health information including a recommended immunizations schedule, and information regarding meningococcal disease.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 127 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	✓ (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	_____

Council/Committee hearing bill: Health & Families Council  
Representative(s) Hays offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 2. Subsections (2) and (7) of section 1002.23,  
Florida Statutes, are amended to read:

1002.23 Family and School Partnership for Student  
Achievement Act.--

(2) To facilitate meaningful parent and family  
involvement, the Department of Education shall develop  
guidelines for a parent guide to successful student achievement  
which describes what parents need to know about their child's  
educational progress and how they can help their child to  
succeed in school. The guidelines shall include, but need not be  
limited to:

(a) Parental information regarding:

1. Requirements for their child to be promoted to the next  
grade, as provided for in s. 1008.25;

2. Progress of their child toward achieving state and  
district expectations for academic proficiency;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 3. Assessment results, including report cards and progress  
23 reports; ~~and~~

24 4. Qualifications of their child's teachers; and

25 5. School entry requirements including immunizations, and  
26 the recommended immunization schedule;

27 (b) Services available for parents and their children,  
28 such as family literacy services; mentoring, tutorial, and other  
29 academic reinforcement programs; college planning, academic  
30 advisement, and student counseling services; and after-school  
31 programs;

32 (c) Opportunities for parental participation, such as  
33 parenting classes, adult education, school advisory councils,  
34 and school volunteer programs;

35 (d) Opportunities for parents to learn about rigorous  
36 academic programs that may be available for their child, such as  
37 honors programs, dual enrollment, advanced placement,  
38 International Baccalaureate, International General Certificate  
39 of Secondary Education (pre-AICE), Advanced International  
40 Certificate of Education, Florida Virtual High School courses,  
41 and accelerated access to postsecondary education;

42 (e) Educational choices, as provided for in s. 1002.20(6),  
43 and corporate income tax credit scholarships, as provided for in  
44 s. 220.187;

45 (f) Classroom and test accommodations available for  
46 students with disabilities; and

47 (g) School board rules, policies, and procedures for  
48 student promotion and retention, academic standards, student  
49 assessment, courses of study, instructional materials, and  
50 contact information for school and district offices.

51 (h) Resources for information on student health and other  
52 available resources for parents.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

53 (7) Each school district shall develop and disseminate a  
54 parent guide to successful student achievement, consistent with  
55 the guidelines of the Department of Education, which addresses  
56 what parents need to know about their child's educational  
57 progress and how parents can help their child to succeed in  
58 school. The guide must:

59 (a) Be understandable to students and parents;

60 (b) Be distributed to all parents, students, and school  
61 personnel at the beginning of each school year;

62 (c) Be discussed at the beginning of each school year in  
63 meetings of students, parents, and teachers; and

64 (d) Include information concerning services,  
65 opportunities, choices, academic standards, and student  
66 assessment.

67 (e) Provide information on the importance of student  
68 health, immunizations and vaccinations available, including, but  
69 not limited to:

70 1. A recommended immunizations schedule in accordance with  
71 the United States Centers for Disease Control and Prevention  
72 recommendations.

73 2. Detailed information regarding the causes, symptoms and  
74 transmission of meningococcal disease; and the availability,  
75 effectiveness, known contraindications and the appropriate age  
76 for the administration of any required or recommended vaccine  
77 against meningococcal disease in accordance with the  
78 recommendations of the Advisory Committee on Immunization  
79 Practices of the United States Center for Disease Control and  
80 Prevention.

81 Section 2. Subsection (6) of section 1002.42, Florida  
82 Statutes, is amended to read:

83 1002.42 Private schools.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

(6) IMMUNIZATIONS.--The governing authority of each private school shall:

(a) Require students to present a certification of immunization in accordance with the provisions of s. 1003.22(3)-(11).

(b) Provide information on the importance of student health, immunizations and vaccinations available, including, but not limited to:

1. A recommended immunizations schedule in accordance with the United States Centers for Disease Control and Prevention recommendations.

2. Detailed information regarding the causes, symptoms and transmission of meningococcal disease; and the availability, effectiveness, known contraindications and the appropriate age for the administration of any required or recommended vaccine against meningococcal disease in accordance with the recommendations of the Advisory Committee on Immunization Practices of the United States Center for Disease Control and Prevention.

3. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to immunizations; amending s. 1002.23, F.S.; providing for the Department of Education to develop guidelines for a parent guide, including parental information regarding school entry requirements and recommended immunization schedules; providing for departmental guidelines regarding student health and other resources; specifying that each school district develop and disseminate a parent guide that provides certain health information including a recommended immunizations

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

115 schedule, and information regarding meningococcal disease;  
116 amending s. 1002.42, F.S.; requiring the governing authority of  
117 each private school to provide certain health information  
118 including a recommended immunizations schedule, and information  
119 regarding meningococcal disease; providing an effective date.

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 181 CS : Administration of Medication

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana			X		
Anna Benson (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 599 : Florida Faith-based and Community-based Advisory Board

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg		X			
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel		X			
Shelley Vana			X		
Anna Benson (Chair)	X				
Total Yeas: 6		Total Nays: 2			

### Appearances:

HB 599 CS

Larry Spalding (Lobbyist) - Information Only

American Civil Liberties Union

314 West Jefferson Street

Tallahassee Florida 32301

Phone: 850/425-1050

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

**STRIKE-ALL AMENDMENT TO HB 599 by Rep. Cannon**

- The amendment statutorily establishes the Florida Faith-based and Community-based Advisory Council which was created by Executive Order of the Governor in November 2004.
- The amendment provides for the council to be administratively housed within the Executive Office of the Governor.
- The council is to consist of 25 members: 17 appointed by the Governor; four appointed by the President of the Senate; and four appointed by the Speaker of the House of Representatives.
- Members are appointed for four year terms, with the initial terms being staggered. The council must meet at least once per quarter per calendar year.
- The amendment specifies the activities of the council, and requires an annual report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives that documents the council's activities and recommended policies, priorities, and objectives for the state's effort to facilitate the involvement of faith-based, volunteer, and other community-based organizations.
- The council is prohibited from recommending any public program that conflicts with the Establishment Clause of the First Amendment to the United States Constitution or Article I, section 3 of the State Constitution.
- The council is abolished June 30, 2011, unless reviewed and recreated by the Legislature.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0599

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	✓ (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council  
2 Representative(s) Cannon offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 14.31, Florida Statutes, is created to  
7 read:

8 14.31 Florida Faith-based and Community-based Advisory  
9 Council.--

10 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

11 (a) Compassionate groups of individuals have selflessly  
12 aided this state in serving our most vulnerable residents and  
13 our most debilitated neighborhoods.

14 (b) Inspired by faith and civic commitment, these  
15 organizations have accomplished much in changing the lives of  
16 thousands and resurrecting neighborhoods torn by the strife of  
17 crime and poverty.

18 (c) It is essential that this state cooperate with these  
19 organizations in order to create a level playing field,  
20 regardless of each organization's orientation, whether faith-  
21 based or secular.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22        (2) LEGISLATIVE INTENT.--It is therefore the intent of the  
23        Legislature to recognize the contributions of these  
24        organizations and to encourage opportunities for faith-based and  
25        community-based organizations to work cooperatively with  
26        government entities in order to deliver services more  
27        effectively. The Legislature further intends that the purpose of  
28        the council is to advise the Governor and the Legislature on  
29        policies, priorities, and objectives for the state's  
30        comprehensive effort to enlist, equip, enable, empower, and  
31        expand the work of faith-based, volunteer, and other community  
32        organizations to the full extent permitted by law.

33        (3) ESTABLISHMENT OF THE COUNCIL.--

34        (a) The Florida Faith-based and Community-based Advisory  
35        Council, an advisory council as defined in s. 20.03(7), is  
36        established and assigned to the Executive Office of the  
37        Governor. The council shall be administratively housed within  
38        the Executive Office of the Governor.

39        (b) The council shall consist of 25 members. Council  
40        members may include, but need not be limited to, representatives  
41        from various faiths, faith-based organizations, community-based  
42        organizations, foundations, corporations, and municipalities.

43        (c) The council shall be composed of the following  
44        members:

45            1. Seventeen members appointed by and serving at the  
46            pleasure of the Governor.

47            2. Four members appointed by and serving at the pleasure  
48            of the President of the Senate.

49            3. Four members appointed by and serving at the pleasure  
50            of the Speaker of the House of Representatives.

51        (d) Council members shall be appointed to 4-year terms,  
52        except that the initial terms shall be staggered:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53        1. The Governor shall appoint six members for terms of 3  
54 years, six members for terms of 2 years, and five members for  
55 terms of 1 year.

56        2. The President of the Senate shall appoint two members  
57 for terms of 3 years and two members for terms of 2 years.

58        3. The Speaker of the House of Representatives shall  
59 appoint two members for terms of 3 years and two members for  
60 terms of 2 years.

61        (e) A vacancy shall be filled by appointment by the  
62 original appointing authority for the unexpired portion of the  
63 term.

64        (4) MEETINGS; ORGANIZATION.--

65        (a) The first meeting of the council shall be held no  
66 later than August 1, 2006. Thereafter, the council shall meet at  
67 least once per quarter per calendar year. Meetings may be held  
68 via teleconference or other electronic means.

69        (b) The council shall annually elect from its membership  
70 one member to serve as chair of the council and one member to  
71 serve as vice chair.

72        (c) Thirteen members of the council shall constitute a  
73 quorum.

74        (d) Members of the council shall serve without  
75 compensation but are entitled to reimbursement for per diem and  
76 travel expenses pursuant to s. 112.061.

77        (5) SCOPE OF ACTIVITIES.--The council shall review and  
78 recommend in a report to the Governor, the President of the  
79 Senate, and the Speaker of the House of Representatives:

80        (a) How faith-based and community-based organizations can  
81 best compete with other organizations for the delivery of state  
82 services, regardless of an organization's orientation, whether  
83 faith-based or secular.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

84       (b) How best to develop and coordinate activities of  
85 faith-based and other community programs and initiatives,  
86 enhance such efforts in communities, and seek such resources,  
87 legislation, and regulatory relief as may be necessary to  
88 accomplish these objectives.

89       (c) How best to ensure that state policy decisions take  
90 into account the capacity of faith-based and other community  
91 initiatives to assist in the achievement of state priorities.

92       (d) How best to identify and promote best practices across  
93 state government relating to the delivery of services by faith-  
94 based and other community organizations.

95       (e) How best to coordinate public awareness of faith-based  
96 and community nonprofit initiatives, such as demonstration pilot  
97 programs or projects, public-private partnerships, volunteerism,  
98 and special projects.

99       (f) How best to encourage private charitable giving to  
100 support faith-based and community initiatives.

101       (g) How best to bring concerns, ideas, and policy options  
102 to the Governor and Legislature for assisting, strengthening,  
103 and replicating successful faith-based and other community  
104 programs.

105       (h) How best to develop and implement strategic  
106 initiatives to strengthen the institutions of families and  
107 communities in this state.

108       (i) How best to showcase and herald innovative grassroots  
109 nonprofit organizations and civic initiatives.

110       (j) How best to eliminate unnecessary legislative,  
111 regulatory, and other bureaucratic barriers that impede  
112 effective faith-based and other community efforts to address  
113 social problems.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

114        (k) How best to monitor implementation of state policy  
115        affecting faith-based and other community organizations.

116        (l) How best to ensure that the efforts of faith-based and  
117        other community organizations meet objective criteria for  
118        performance and accountability.

119        (6) RESTRICTED ACTIVITIES.--The council may not make any  
120        recommendation that is in conflict with the Establishment Clause  
121        of the First Amendment to the United States Constitution or the  
122        public funding provision of s. 3, Art. I, of the State  
123        Constitution.

124        (7) REPORT.--By February 1 of each year, the council shall  
125        prepare a written report for the Governor, the President of the  
126        Senate, and the Speaker of the House of Representatives  
127        containing an accounting of its activities and recommended  
128        policies, priorities, and objectives for the state's  
129        comprehensive effort to enlist, equip, enable, empower, and  
130        expand the work of faith-based, volunteer, and other community  
131        organizations to the full extent permitted by law.

132        (8) EXPIRATION.--This section expires and the council is  
133        abolished June 30, 2011, unless reviewed and saved from repeal  
134        by the Legislature.

135        Section 2. This act shall take effect July 1, 2006.

137        ===== T I T L E   A M E N D M E N T =====

138        Remove the entire title and insert:

139                    A bill to be entitled

140        An act relating to the Florida Faith-based and Community-  
141        based Advisory Council; creating s. 14.31, F.S.; providing  
142        legislative findings and intent; creating the Florida  
143        Faith-based and Community-based Advisory Council within  
144        the Executive Office of the Governor for certain purposes;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

145 providing for council membership; providing for terms of  
146 members; providing for successor appointments; providing  
147 for meetings and organization of the council; specifying  
148 serving without compensation; providing for per diem and  
149 travel expenses; specifying required activities of the  
150 council; specifying restricted activities; requiring a  
151 report to the Governor and Legislature; providing for  
152 future repeal and abolition of the council; providing an  
153 effective date.

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 859 CS : Probable Cause Panels

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell			X		
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana			X		
Anna Benson (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 903 CS : Pharmacy Common Databases

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana	X				
Anna Benson (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

### **HB 903 CS Amendment by Rep. Traviesa**

The amendment provides that no Florida licensed pharmacist is responsible for the acts and omissions of another person participating in the dispensing process, unless the pharmacist is directly supervising him or her. The amendment provides that prescriptions dispensed via a common database are not "transferred."

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

Bill No. **HB 903 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Health & Families Council  
2 Representative(s) Traviesa offered the following:  
3

4 **Amendment (with directory and title amendments)**

5 Remove line(s) 48-82 and insert:  
6

7 Section 2. Section 465.0266, Florida Statutes, is created  
8 to read:

9 465.0266 Common database.--Nothing contained in this  
10 chapter shall be construed to prohibit the dispensing by a  
11 pharmacist licensed in this state or another state of a  
12 prescription contained in a common database, and such dispensing  
13 shall not constitute a transfer as defined in section 465.026  
14 (1)-(6), provided that the following conditions are met:

15 (1) All pharmacies involved in the transactions pursuant  
16 to which the prescription is dispensed are under common  
17 ownership and utilize a common database.

18 (2) All pharmacies involved in the transactions pursuant  
19 to which the prescription is dispensed and all pharmacists  
20 engaging in dispensing functions are properly licensed,  
21 permitted or registered in this state or another state.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

22       (3) The common database maintains a record of all  
23 pharmacists involved in the process of dispensing a  
24 prescription.

25       (4) The owner of the common database maintains a policy  
26 and procedures manual that governs its participating pharmacies,  
27 pharmacists and pharmacy employees and that is available to the  
28 board or its agent upon request. The policy and procedures  
29 manual shall include the following information:

30       (a) A best practices model detailing how each pharmacy and  
31 each pharmacist accessing the common database will comply with  
32 applicable federal and state laws, rules, and regulations.

33       (b) The procedure for maintaining appropriate records for  
34 regulatory oversight for tracking a prescription during each  
35 stage of the filling and dispensing process, identifying the  
36 pharmacists involved in filling and dispensing the prescription  
37 and counseling the patient, and responding to any requests for  
38 information made by the board under s. 465.0156.

39       (c) The policy and procedure for providing adequate  
40 security to protect the confidentiality and integrity of patient  
41 information.

42       (d) A quality assurance program designed to objectively  
43 and systematically monitor, evaluate, and improve the quality  
44 and appropriateness of patient care through the use of the  
45 common database.

46  
47 Any pharmacist dispensing a prescription has at all times the  
48 right and obligation to exercise his or her independent  
49 professional judgment. Notwithstanding other provisions in this  
50 section, no Florida licensed pharmacist participating in the  
51 dispensing of a prescription pursuant to this section shall be

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

responsible for the acts and omissions of another person  
participating in the dispensing process provided such person is  
not under the direct supervision and control of the Florida  
licensed pharmacist.

===== T I T L E A M E N D M E N T =====

Remove line(s) 11-13 and insert:

creating s. 465.0266, F.S.; authorizing the dispensing  
or refilling of a prescription under specified  
conditions; providing

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# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

CS/SB 1838 : Pharmacy Common Databases

☒ Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana	X				
Anna Benson (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

**CS/SB 1838 Amendment by Rep. Traviesa**

The amendment provides that no Florida licensed pharmacist is responsible for the acts and omissions of another person participating in the dispensing process, unless the pharmacist is directly supervising him or her. The amendment provides that prescriptions dispensed via a common database are not "transferred."

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

Bill No. **CS/SB 1838**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Health & Families Council  
2 Representative(s) Traviesa offered the following:  
3

4 **Amendment (with directory and title amendments)**

5 On page 2, line 14, through page 3, line 19

6 Remove all of said lines, and insert:

7  
8 Section 2. Section 465.0266, Florida Statutes, is created  
9 to read:

10 465.0266 Common database.--Nothing contained in this  
11 chapter shall be construed to prohibit the dispensing by a  
12 pharmacist licensed in this state or another state of a  
13 prescription contained in a common database, and such dispensing  
14 shall not constitute a transfer as defined in section 465.026  
15 (1)-(6), provided that the following conditions are met:

16 (1) All pharmacies involved in the transactions pursuant  
17 to which the prescription is dispensed are under common  
18 ownership and utilize a common database.

19 (2) All pharmacies involved in the transactions pursuant  
20 to which the prescription is dispensed and all pharmacists

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

engaging in dispensing functions are properly licensed,  
permitted or registered in this state or another state.

(3) The common database maintains a record of all  
pharmacists involved in the process of dispensing a  
prescription.

(4) The owner of the common database maintains a policy  
and procedures manual that governs its participating pharmacies,  
pharmacists and pharmacy employees and that is available to the  
board or its agent upon request. The policy and procedures  
manual shall include the following information:

(a) A best practices model detailing how each pharmacy and  
each pharmacist accessing the common database will comply with  
applicable federal and state laws, rules, and regulations.

(b) The procedure for maintaining appropriate records for  
regulatory oversight for tracking a prescription during each  
stage of the filling and dispensing process, identifying the  
pharmacists involved in filling and dispensing the prescription  
and counseling the patient, and responding to any requests for  
information made by the board under s. 465.0156.

(c) The policy and procedure for providing adequate  
security to protect the confidentiality and integrity of patient  
information.

(d) A quality assurance program designed to objectively  
and systematically monitor, evaluate, and improve the quality  
and appropriateness of patient care through the use of the  
common database.

Any pharmacist dispensing a prescription has at all times the  
right and obligation to exercise his or her independent  
professional judgment. Notwithstanding other provisions in this

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

51 section, no Florida licensed pharmacist participating in the  
52 dispensing of a prescription pursuant to this section shall be  
53 responsible for the acts and omissions of another person  
54 participating in the dispensing process provided such person is  
55 not under the direct supervision and control of the Florida  
56 licensed pharmacist.

57  
58 ===== T I T L E   A M E N D M E N T =====

59        Remove line(s) 9-10 and insert:

60  
61        under specified conditions; providing an effective

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# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 1067 CS : State Long-Term Care Ombudsman Program

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana			X		
Anna Benson (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 1157 CS : Dental Charting

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana	X				
Anna Benson (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 1293 CS : Medical Malpractice Insurance

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg		X			
Bill Galvano		X			
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana		X			
Anna Benson (Chair)	X				
Total Yeas: 6		Total Nays: 3			

### Appearances:

HB 1293 CS

Alex Reboso - Opponent

Self

44 W. Flager Street, 23rd Floor

Miami Florida 33130

Phone: 305/373-0708

HB 1293 CS

Debra Henley (Lobbyist) - Opponent

Academy of Florida Trial Lawyers

218 S. Monroe Street

Tallahassee Florida 32301

Phone: 850/224-9403

HB 1293 CS

Mark Delegal (Lobbyist) - Proponent

Teaching Hospital Council of Florida

215 S. Monroe Street, #200

Tallahassee Florida 32301

Phone: 850/222-3533

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

**HB 1293 CS Amendment by Rep. Grant**

The amendment is technical. It clarifies that insurance companies may offer insurance for hospitals that wish to insure their medical staff.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

Bill No. **HB 1293 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Health & Families Council  
2 Representative(s) Grant offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 144-145 and insert:

6  
7 Any authorized insurer, approved insurer as defined in s.  
8 626.914(2), risk retention group as defined in s. 627.942, or  
9 joint  
10

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# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 1411 : Public Records

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana	X				
Anna Benson (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

### **HB 1411 Amendment by Rep. Benson**

The amendment corrects a technical error and allows patient medical records to be disclosed with the written consent of the patient or in a medical emergency.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

Bill No. **HB 1411**

COUNCIL/COMMITTEE ACTION

ADOPTED	_____ (Y/N)
ADOPTED AS AMENDED	_____ (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	_____ (Y/N)
WITHDRAWN	_____ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council  
2 Representative(s) Benson offered the following:  
3

4 **Amendment (with title amendment)**

5 Remove line(s) 18-26 and insert:  
6

7 Information Network, Inc., is confidential and exempt from s.  
8 119.07(1) and s. 24, Art. I of the State Constitution:

9 (a) A patient's medical or health record.

10 (b) Trade secrets as defined in s. 688.002.

11 (c) Any information received from a person from another  
12 state or nation or the Federal Government which is otherwise  
13 confidential or exempt pursuant to the laws of that state or  
14 nation or pursuant to federal law.

15 (2) A patient's medical or health record shall be  
16 disclosed:

17 (a) With the express written consent of the individual or  
18 the individual's legally authorized representative.

19 (b) In a medical emergency, but only to the extent  
20 necessary to protect the health or life of the individual.

21 (3) This section is subject to the Open Government Sunset

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

22  
23  
24  
25  
26

===== T I T L E A M E N D M E N T =====

Remove line(s) 7 and insert:

Health Information Network, Inc.; providing an exception to the  
exemption; providing for review and

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# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 1561 CS : Expert Witnesses

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg		X			
Bill Galvano		X			
Rene Garcia		X			
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana		X			
Anna Benson (Chair)	X				
Total Yeas: 5		Total Nays: 4			

### Appearances:

HB 1561 CS

Stuart N. Ratzan - Opponent

Self; Academy of FL Trial Lawyers

200 S. Biscayne Blvd., Suite 5400

Miami Florida 33131

Phone: 305/374-6366

HB 1561 CS

Scott E. Gwartney - Opponent

Self

909 E. Park Avenue

Tallahassee Florida 32301

Phone: 850/222-2000

HB 1561 CS

Nancy LaVista - Opponent

Self; Academy of FL Trial Lawyers

800 Ocean Drive

Juno Beach Florida 33408

Phone: 561/820-2260

HB 1561 CS

Buddy Jacobs (Lobbyist) - Opponent

Trial Lawyers Section, Florida Bar

961687 Gateway Blvd.

Fernandina Beach Florida

Phone: 904/261-3693

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

# **COUNCIL MEETING REPORT**

## **Health & Families Council**

**4/10/2006 1:00:00PM**

**AMENDED**

**Location:** Reed Hall (102 HOB)

HB 1561 CS

Jeff Scott (Lobbyist) - Proponent

Florida Medical Association

123 S. Adams Street

Tallahassee Florida 32309

Phone: 850/224-6496

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

Amendments to HB 1561 CS by Rep. Benson

Amendment 1: Requires each named prospective defendant to have an expert witness in the same area of medical specialty as the defendant.

Amendment 2: Requires expert witness to be trained, licensed, and practicing in the same area of medical specialty.

Amendment 3: Provides severability clause.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 1561 CS

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y/N)  
ADOPTED AS AMENDED ☐ (Y/N)  
ADOPTED W/O OBJECTION ☐ (Y/N)  
FAILED TO ADOPT ☐ (Y/N)  
WITHDRAWN ☐ (Y/N)  
OTHER ☐

Council/Committee hearing bill: Health & Families Council  
Representative(s) Benson offered the following:

**Amendment (with title amendment)**

Between line(s) 134 and 135 insert:

Section 6. Paragraph (a) of subsection (2) of s. 766.203,  
Florida Statutes, is amended to read:

(2) PRESUIT INVESTIGATION BY CLAIMANT.--Prior to issuing  
notification of intent to initiate medical negligence litigation  
pursuant to s. 766.106, the claimant shall conduct an  
investigation to ascertain that there are reasonable grounds to  
believe that:

(a) Each ~~Any~~ named prospective defendant in the litigation  
was negligent in the care or treatment of the claimant; and

(b) Such negligence resulted in injury to the claimant.

Corroboration of reasonable grounds to initiate medical  
negligence litigation shall be provided by the claimant's  
submission of a verified written medical expert opinion from a  
medical expert as defined in s. 766.202(6), at the time the  
notice of intent to initiate litigation is mailed, which

04/09/2006 4:29 p.m.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

statement shall corroborate reasonable grounds to support the  
claim of medical negligence.

===== T I T L E   A M E N D M E N T =====

On line(s) 18 after the semicolon insert:  
amending s. 766.203, F.S., requiring a presuit investigation to  
be conducted on each named prospective defendant;

04/09/2006 4:29 p.m.

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h1561-HFC-0601cr

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 for drafter's use only)

Bill No. **HB 1561 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council  
2 Representative(s) Benson offered the following:  
3

4 **Amendment (with directory and title amendments)**

5 Between line(s) 125 & 126, insert:

6 (1) In any action for recovery of damages based on the  
7 death or personal injury of any person in which it is alleged  
8 that such death or injury resulted from the negligence of a  
9 health care provider as defined in s. 766.202(4), the claimant  
10 shall have the burden of proving by the greater weight of  
11 evidence that the alleged actions of the health care provider  
12 represented a breach of the prevailing professional standard of  
13 care for that health care provider. The prevailing professional  
14 standard of care for a given health care provider shall be that  
15 level of care, skill, and treatment which, in light of all  
16 relevant surrounding circumstances, is recognized as acceptable  
17 and appropriate by reasonably prudent ~~similar~~ health care  
18 providers trained, licensed, and practicing in the same area of  
19 medical specialty.  
20  
21

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 121-123 and insert:

Section 5. Subsection (1) of s. 766.102, Florida Statutes  
is amended, and subsection (12) of s. 766.102, Florida Statutes,  
is renumbered as subsection (13), and a new subsection (12) is  
added to that section to read:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. HB 1561 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	_____

Council/Committee hearing bill: Health & Families Council  
Representative(s) Benson offered the following:

**Amendment (with title amendment)**

Between line(s) 134 and 135 insert:

Section 6. Severability.--

If any provision of this act or the application thereof to  
any person or circumstance is held invalid, the invalidity shall  
not affect other provisions or applications of the act which can  
be given effect without the invalid provision or application,  
and to this end the provisions of this act are declared  
severable.

===== T I T L E A M E N D M E N T =====

On line(s) 18 after the semicolon insert:  
providing severability;

04/09/2006 4:43 p.m.

Page 1 of 1

h1561-HFC-0603cr

Bill No. CS HB 1561

Amendment No. \_\_\_\_\_

*Withdrawn*

Rep. Galvano moved the following amendment:

**Amendment**

On line 135, insert

Section 6. Subparagraph 4. is added to paragraph (i) of subsection (1) of section 626.9541, Florida Statutes, to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(i) Unfair claim settlement practices.—

4. Attempting to influence any expert or fact witness to not testify or attempting to influence any expert or fact witness to change the substance of their testimony or prospective testimony in a legal proceeding.

## RENUMBER SUBSEQUENT SECTION

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On line 18, after the semi-colon (;)

insert:

amending s. 626.9541, making attempts to influence an expert or fact witness an unfair or deceptive insurance trade practice;

# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

HB 7125 : Medical Records

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Aaron Bean			X		
Mary Brandenburg	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson	X				
Gayle Harrell	X				
Ed Homan	X				
Julio Robaina			X		
Eleanor Sobel	X				
Shelley Vana	X				
Anna Benson (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

### **HB 7125 Amendment by Rep. Garcia**

The amendment conforms the bill to the Senate bill. The amendment:

- Changes physician to prescribing practitioner;
- Removes unnecessary language; and
- Add language to protect utilization management tools used in the prescription drug prescribing process.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

Bill No. **HB 7125**

COUNCIL/COMMITTEE ACTION

ADOPTED	_____ (Y/N)
ADOPTED AS AMENDED	_____ (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	_____ (Y/N)
WITHDRAWN	_____ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council  
2 Representative(s) Garcia offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 67-82 and insert:

6  
7 incentives or otherwise, the prescribing decision of a  
8 prescribing practitioner at the point of care. Such means shall  
9 not be triggered or in specific response to the input,  
10 selection, or act of a prescribing practitioner or his or her  
11 agent in prescribing a certain pharmaceutical or directing a  
12 patient to a certain pharmacy.

13 (a) The term "prescribing decision" means a prescribing  
14 practitioner's decision to prescribe a certain pharmaceutical.

15 (b) The term "point of care" means the time that a  
16 prescribing practitioner or his or her agent is in the act of  
17 prescribing a certain pharmaceutical or directing a patient to a  
18 certain pharmaceutical.

19 (3) Electronic prescribing software may show information  
20 regarding a payor's formulary as long as nothing is designed to  
21 preclude or make more difficult the acts of a practitioner in

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

prescribing any particular pharmaceutical or a patient in  
selecting a particular pharmacy.

(4) This section does not limit a payor or provider from  
implementing utilization management tools including, but not  
limited to, utilization review, a quality assurance program, a  
continuity of care system, a disease management system, step  
therapy or prior authorization system.

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# COUNCIL MEETING REPORT

## Health & Families Council

4/10/2006 1:00:00PM

Location: Reed Hall (102 HOB)

AMENDED

### Summary:

#### Health & Families Council

Monday April 10, 2006 01:00 pm

HB 21 CS	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 67	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 93 CS	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 111	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 127 CS	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 181 CS	Favorable	Yeas: 8	Nays: 0
HB 599	Favorable With Committee Substitute	Yeas: 6	Nays: 2
HB 859 CS	Favorable	Yeas: 7	Nays: 0
HB 903 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 1067 CS	Favorable	Yeas: 8	Nays: 0
HB 1157 CS	Favorable	Yeas: 9	Nays: 0
HB 1293 CS	Favorable With Committee Substitute	Yeas: 6	Nays: 3
HB 1411	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 1561 CS	Favorable With Committee Substitute	Yeas: 5	Nays: 4
CS/SB 1838	Favorable With Amendments	Yeas: 9	Nays: 0
HB 7125	Favorable With Committee Substitute	Yeas: 9	Nays: 0

Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM

# **COUNCIL MEETING REPORT**

**Health & Families Council**

**4/10/2006 1:00:00PM**

**Location:** Reed Hall (102 HOB)

**AMENDED**

**Committee meeting was reported out: Monday, April 10, 2006 6:03:30PM**